

**Revisions to 310 CMR 30.0000: Waiver Provisions for Case-by-Case Waiver Determinations and On-Site Treatment of Corrosive Hazardous Wastes in Elementary Neutralization Units**

1. *Table of Contents is revised to include the following new sections:*

310 CMR 30.1100: Wastes and Activities Subject to Waiver

310 CMR 30.1101: Requirements for Wastes and Activities Subject to Waiver

310 CMR 30.1102: Case-by-case Waiver Determinations for Specific Hazardous Wastes and Activities

310 CMR 30.1103: Treatment of Corrosive Hazardous Waste in an Elementary Neutralization Unit

2. *30.010: Definitions is amended to add a new definition as follows:*

Elementary Neutralization means the reacting of an acid or base with an aqueous corrosive hazardous waste in an elementary neutralization unit for the intended and actual purpose of rendering the waste less hazardous or non-hazardous.

3. *30.010: Definitions is amended to add a new definition as follows:*

Elementary Neutralization Unit means a device which:

- (a) is used for neutralizing aqueous wastes that are hazardous solely because they exhibit the corrosivity characteristic defined in 310 CMR 30.123(1)(a) or that are listed in 310 CMR 30.130 solely because they exhibit the corrosivity characteristic; and
- (b) meets the definition of a tank, tank system or container;

4. *30.340: Large Quantity Generators is amended by inserting the following section:*

(8) A large quantity generator may conduct elementary neutralization of corrosive hazardous wastes at the site of generation in an elementary neutralization unit in compliance with 310 CMR 30.1103, without a license to treat hazardous waste, but shall comply with all applicable provisions of 310 CMR 30.0000 while such waste remains hazardous.

5. *30.351: Small Quantity Generators is amended by inserting the following:*

(11) A small quantity generator may conduct elementary neutralization of corrosive hazardous wastes at the site of generation in an elementary neutralization unit in compliance with 310 CMR 30.1103 without a license to treat hazardous waste, but shall comply with all applicable provisions of 310 CMR 30.0000 while such waste remains hazardous.

6. 30.501: Applicability is amended by inserting 30.501(2)(h) in the following section:

(2) The requirements of 310 CMR 30.500 do not apply to:

(a).....

(h) elementary neutralization of corrosive hazardous waste at the site of generation in an elementary neutralization unit provided that the generator is in compliance with 310 CMR 30.1103.

7. 30.601: Applicability is amended by inserting 310 CMR 30.601(2)(h) as follows:

(2) The requirements of 310 CMR 30.600 do not apply to:

(a).....

(h) Elementary neutralization of corrosive hazardous waste at the site of generation in an elementary neutralization unit provided that the generator is in compliance with 310 CMR 30.1103.

8. 30.801: Applicability is amended by adding a new paragraph, 30.801(17), as follows:

(17) The elementary neutralization of corrosive hazardous waste at the site of generation in an elementary neutralization unit provided that the generator is in compliance with 310 CMR 30.1103.

9. 310 CMR 30.000: Hazardous Waste Regulations is amended by inserting the following:

310 CMR 30.1100: Wastes and Activities Subject to Waiver

310 CMR 30.1100 through 30.1103, cited collectively as 310 CMR 30.1100, is promulgated pursuant to the authority set forth in M.G.L. c. 21C, §4 and 310 CMR 30.001, and sets forth requirements for wastes and activities determined by the Department to be insignificant as a potential hazard to public health, safety, welfare or the environment, or the handling, treating, storing, use, processing, or disposal of which is adequately regulated by another governmental agency, consistent with regulations promulgated under the federal Resource Conservation and Recovery Act as administered by U.S. EPA.

310 CMR 30.1101: General Requirements for Wastes and Activities Subject to Waiver

(1) Any person who engages in any activity subject to 310 CMR 30.1100 may do so without complying with the specific requirements expressly waived by 310 CMR 30.1100 or by any waiver determination from the Department, provided that such person complies with: the applicable terms and conditions set forth in 310 CMR 30.1100 and in any waiver determination, and all other applicable requirements in 310 CMR 30.0000 that are not

expressly waived. All provisions of 310 CMR 30.0000 that are not expressly waived in 310 CMR 30.1100 shall remain in effect for that activity.

(2) If a person fails to comply with any term or condition of a waiver determination or any requirement set forth or referenced in 310 CMR 30.1100, or if the Department determines that a waste or activity is no longer insignificant as a potential hazard to public health, safety, welfare or the environment or is no longer adequately regulated by another governmental agency, when managed or conducted in compliance with the conditions of the waiver and the requirements set forth in 310 CMR 30.1100, the Department may:

- (a) order the person to cease any further activity otherwise allowed under 310 CMR 30.1100 and to comply with all provisions of 310 CMR 30.0000 that apply in the absence of any waiver (including but not limited to obtaining a valid license from the Department),
- (b) modify, suspend, or revoke any waiver determination, at the Department's discretion, and
- (c) take any other action authorized by law.

#### 310 CMR 30.1102: Case-by-Case Waiver Determinations for Specific Hazardous Wastes and Activities

(1) For wastes and activities that the Department determines are insignificant as a potential hazard to public health, safety, welfare or the environment or are adequately regulated by another government agency, consistent with regulations promulgated under the Resource Conservation and Recovery Act, the Department may grant a generator a waiver from any or all of the requirements of 310 CMR 30.0000 that are more stringent than the minimum federal requirements promulgated under the Resource Conservation and Recovery Act.

(2) All generators shall manage hazardous waste in accordance with all applicable provisions of 310 CMR 30.0000, provided however, if the Department issues a written positive waiver determination to a generator, such generator shall comply with all terms and conditions of such determination and all applicable requirements of 310 CMR 30.0000 not expressly waived in such determination.

(3) Any generator seeking a waiver of any requirement in 310 CMR 30.0000, not expressly waived by other provisions in 310 CMR 30.0000, shall submit a request for waiver on a form acceptable to the Department and shall include:

- (a) The applicant's name, address, and EPA Identification Number or Massachusetts Identification Number;
- (b) The name and telephone number of an individual responsible for supervising the waste and/or management activities addressed in the application;
- (c) A detailed description of the waste and activity, and the basis for the generator's assertion that it is insignificant as a potential hazard to public health, safety, welfare, or the environment, or that it is adequately regulated by another governmental agency

consistent with regulations promulgated under the Resource Conservation and Recovery Act;

(d) A description of the proposed method of management, including a description of required equipment;

(e) A statement of each requirement for which a waiver is sought;

(f) A statement of the need and justification for a waiver of hazardous waste requirements, including any supporting tests, studies, or other information; including but not limited to information on the volume, quantity, toxicity, frequency and rate of generation of the waste;

(g) A demonstration that the waiver sought is from a requirement or requirements that are more stringent than the minimum federal requirements promulgated under the Resource Conservation and Recovery Act; consistent with the requirements of the Resource Conservation and Recovery Act and applicable regulations;

(h) Such other information as the Department may require to determine that the proposed waste management activity will be in compliance with 310 CMR 30.1100 and either will be insignificant as a potential hazard to public health, ~~health~~, safety, welfare or the environment, ~~or welfare, or the environment~~, or is adequately regulated by another governmental agency, and that any waiver will not result in the Department's requirements applicable to the generator becoming less stringent than the minimum federal requirements promulgated under the Resource Conservation and Recovery Act; consistent with regulations promulgated under the Resource Conservation and Recovery Act;

(i) A signature certified pursuant to 310 CMR 30.009; and

(j) If applicable, compliance with, and remittance of any fee established pursuant to, any applicable provision of 310 CMR 4.00.

(4) The burden shall be on the applicant to persuade the Department that:

(a) The waste or activity is insignificant as a potential hazard to public health, safety, welfare, or the environment or is adequately regulated by another governmental agency;

(b) The waiver being sought is from a requirement or requirements that are more stringent than the minimum federal requirements consistent with regulations promulgated under the Resource Conservation and Recovery Act; and

(c) The post-waiver requirements would not be less stringent than the minimum federal requirements promulgated under the Resource Conservation and Recovery Act.

(5) The Department will notify the applicant of the Department's determination in writing.

The Department will consider factors such as the volume, quantity, toxicity, or frequency and rate of generation, and such other criteria, as it deems appropriate for the waste or activity.

(6) A determination pursuant to 310 CMR 30.1102 is only applicable to a generator that has requested and obtained a positive waiver determination from the Department. No waiver may be assigned or transferred without the written approval of the Department.

(7) A determination pursuant to 310 CMR 30.1102 shall apply only to the waste or activity specified in the determination.

(8) The Department may grant a waiver, and may allow a waiver to remain in effect, but only to the extent, and only while, the Department is persuaded that such waste or activity is insignificant as a potential hazard to public health, safety, welfare, or the environment or is adequately regulated by another governmental agency and only if the waiver is from a requirement or requirements that are more stringent than the minimum federal requirements promulgated under the Resource Conservation and Recovery Act.  
consistent with regulations promulgated under the Resource Conservation and Recovery Act

### 310 CMR 30.1103: Treatment of Corrosive Hazardous Waste in an Elementary Neutralization Unit

(1) A generator of aqueous corrosive hazardous waste may conduct elementary neutralization of such waste in an elementary neutralization unit at the site of generation in lieu of the licensing requirements of 310 CMR 30.500 through 30.900 for treatment of corrosive hazardous waste, provided that the generator complies with all provisions in 310 CMR 30.1103 and all applicable generator provisions in 310 CMR 30.0000.

(2) No person shall conduct elementary neutralization of any hazardous waste in an elementary neutralization unit without a license, except for corrosive hazardous waste that:

- (a) prior to treatment is aqueous;
- (b) is hazardous solely because it exhibits the corrosivity characteristic defined in 310 CMR 30.123(1)(a); and
- (c) if the waste is listed in 310 CMR 30.131, is listed solely because it exhibits the corrosivity characteristic.

(3) Any large or small quantity generator that conducts elementary neutralization of aqueous corrosive hazardous waste in an elementary neutralization unit pursuant to 310 CMR 30.1103 in lieu of obtaining a valid treatment license from the Department shall:

(a) prior to commencing elementary neutralization for the first time, submit a notification to the Department on a form prescribed by the Department and include at least the following:

- 1. The generator's name, address, phone number, and EPA Identification
- 2. Number and the name and address of the site of treatment, if different;
- 3. A description of the waste stream, including details of constituents, and the process generating that waste stream;
- 4. A description of the method of treatment and equipment;

- ~~5. A characterization of the treatment residuals and a description of the method for handling the treatment residuals;~~
- ~~6. Such other information as the Department may require to determine that the proposed waste treatment activity will be in compliance with 310 CMR 30.1100 and will not constitute a significant potential hazard to public health, safety, welfare, or the environment; and~~
- ~~7. A signature certified pursuant to 310 CMR 30.009(1).~~

~~(b) before neutralizing any aqueous corrosive hazardous waste in an elementary neutralization unit, perform a waste analysis and trial test as follows:~~

- ~~1. generators shall conduct waste analyses and trial treatment tests on a representative sample of the waste, or obtain documentation of similar treatment on comparable waste under similar operating conditions, to document that the waste may be treated and disposed of in compliance with the requirements of 310 CMR 30.1100;~~
- ~~2. the analysis may include data developed by the generator pursuant to 310 CMR 30.302;~~
- ~~3. the waste analysis shall be repeated whenever the hazardous waste to be treated or the process for treating it has changed such that the previous waste analysis is no longer representative of the waste or the treatment process is no longer adequate or appropriate for the waste, and~~
- ~~4. the generator shall retain such information referenced in 310 CMR 30.1103(3) at the site of generation until three years after the next set of analytical results is obtained in compliance with 310 CMR 30.1103(3)(b), if any, or until three years after the generator has ceased conducting elementary neutralization;~~

~~(c) determine whether the waste after treatment exhibits any characteristic of hazardous waste as identified in 310 CMR 30.120;~~

~~(d) determine the extent to which the federal land disposal restrictions apply to the waste after treatment;~~

~~(e) comply with any applicable federal or state NPDES permit requirements or any applicable federal, state or local pretreatment limits and any applicable holding tank standards, if the waste, after treatment, is discharged to a POTW or to surface waters; and~~

~~(f) shall provide any and all information relevant to the treatment of hazardous waste to the Department upon the Department's request;~~

~~(4)~~ (3) Any large or small quantity generator that conducts elementary neutralization of aqueous corrosive hazardous waste in an elementary neutralization unit pursuant to 310 CMR 30.1103 in lieu of obtaining a valid treatment license from the Department shall not neutralize corrosive waste in a manner that:

- (a) presents a danger to public health, health, safety, welfare or the environment or welfare, or to the environment, including but not limited to generation of toxic vapors or fumes;
- (b) generates extreme heat or pressure; or
- (c) damages the structural integrity of the container or tank containing the waste.

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